

Public Hearing Information

Date to Set Public Hearing: Wednesday, July 22, 2015
Date to Convene Public Hearing: Wednesday, September 23, 2015
Effective Date of Change: Monday, September 30, 2015
A.R.S. § Statute Number: 11-251.08
Category of Agenda Item: Financial Management
Purpose of Public Hearing: Authorize Fees

Item Title: CIVIL CASE COURT REPORTER FEE

C Number: C-80-16-001-2-00

Action Requested:

Pursuant to A.R.S. § 11-251.08, set a public hearing for September 23, 2015 to solicit comments and consider the adoption of Civil Case Court Reporter Fees of \$140.00 half day and \$280.00 full day. Upon Board approval, this item will become effective September 30, 2015.

Convene Action Requested:

Pursuant to A.R.S. § 11-251.08, convene the scheduled public hearing, to solicit comments and consider the adoption of Civil Case Court Reporter Fees of \$140.00 half day and \$280.00 full day. Upon Board approval, this item will become effective September 30, 2015.

Board Required Information:

A.R.S. § 11-251.08 authorizes the Board of Supervisors to adopt fees for any specific service the County provides to the public as long as that fee is attributable to and defrays the expense of the service for which the fee is assessed and the fee does not exceed the actual cost of that service.

One of the Court's mandated duties is capturing the official record of court proceedings. Arizona Supreme Court Rule 30 directs when a court proceeding requires the presence of an official court reporter for this purpose. Beyond Rule 30, the Court determines whether the official record may be created by electronic recording. Maricopa County local rules 2.22 and 10.5 require a separate request for each proceeding, if a court reporter is requested and not mandated by Rule 30. These local rules provide parties with adequate time to make a request that the matter be handled by a certified and authorized court reporter. If approved and resources are available, the Court shall make arrangements for a certified and authorized court reporter to be present for the purpose of taking the record of the proceedings. The costs for the authorized court reporter will be borne by the requesting party, or as directed by the Court to secure that actual estimated costs are reimbursed to defray expenses of the services.

Authorizing the Civil Case Court Reporter Fee of \$140 half day and \$280 full day will improve resource usage of court employed court reporters and reimburse expenses that are now expended in the support of non-County directed purpose.

The new Civil Case Court Reporter Fee will be assessed to private parties in court proceedings which a court reporter is not required by law who prefer to have a certified and authorized court reporter rather than access to the electronically captured record. The Court anticipates that this will primarily occur in

civil cases. In the event that a particular courtroom is not outfitted with functioning electronic recording technology, a certified and authorized court reporter will be made available without application of these fees.

The approval of and availability of this fee will not restrict or inhibit any party's ability to obtain a record of court proceedings based solely on that party's inability to pay for these services. Parties may request a waiver or deferral of fees using the established process. This fee does not require approval from the Arizona Supreme Court Administrative Office of the Courts. The assessment of the fee would commence following BOS approval of the fee. The proposed fee will be attributable to and defray or cover the expense of providing the service for which the fee is assessed and the fee does not exceed the actual cost of that service.

Additional Information:

Proposed New Rule:

RULE 2.22. RECORD, COURT REPORTS REQUESTS, COURT REPORTER FEES

A. RECORD. Unless a Court Reporter is required by Arizona Supreme Court Rule 30 or the Court determines a Court Reporter necessary, the official record will be created by electronic recording. Copies of the electronic recordings are available for open proceeding for a fee through the courts electronic records services.

B. REQUEST AND FEES. If a party desires a Court Reporter for any proceeding in which a Court Reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned Judicial Officer at least ten (10) judicial days in advance of the hearing. If the request is approved, the party must pay any fee authorized by law for the court reporting services at least two (2) judicial days prior to proceeding.

RULE 10.5. Court Reporters, Interpreters and Equipment Requested

a. Court Reporters. If a court reporter is desired for any proceeding to be conducted before a judicial officer within the Regional Judicial Districts, a separate request for each proceeding must be submitted in writing and delivered to the assigned judicial officer at least TEN (10) judicial days in advance of the day set for the proceeding AND SHALL BE SUBJECT TO ANY FEES AUTHORIZED BY LAW AND IN ACCORDANCE WITH LOCAL RULE 2.22.

b. Interpreters/Translators. Pursuant to Title VI and Superior Court Administrative Order and policies, the court shall appoint the Office of Court Interpretation and Translation Services (CITS) to provide interpreter and/or translation services in all Superior Court cases in which a victim, party, and/or witness is limited English proficient and in need of an interpreter and/or translator. A request for appointment of CITS should be submitted in writing and delivered to the assigned judicial officer at least ten (10) judicial days in advance of the hearing date for a Spanish interpreter and fourteen (14) judicial days for an interpreter for the hearing impaired or all other languages. The written request must be accompanied by a proposed form of order appointing CITS to provide services.

c. Equipment Requested. Requests for equipment to accommodate the special needs of any party or witness must be submitted in writing and delivered to the assigned judicial officer at least five (5) judicial days in advance of the date of the proceeding.

Expenditure Impact By FY:

None

Item Notes:

Is there a Financial Impact?

Yes

FY	Bgt	PAS	Fund	Agency	Dept	Org.	Object	Sub-Obj	\$Amount	Rept. Cat.	Prjt Code
16	NO	CVAD	100	800	800	8055	0635	06	\$221,200	CTRP	0000
17	NO	CVAD	100	800	800	8055	0635	06	\$265,440	CTRP	0000

Is there related Managing for Results information?

Yes

Program: Civi & Tax Justice Program

Activity: Civil Adjudication Activity - CVAD

Performance/Demand Measure:

Output: Number of Civil cases resolved.

Demand: Number of Civil cases filed.

Efficiency: Cost per Civil case resolved.

Anticipated Results: Percent of Civil cases resolved within 18 months.